

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BRIDGEWATER IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 124, "QUARRIES", SECTION 7, "FEES", OF THE CODE OF THE TOWNSHIP OF BRIDGEWATER

WHEREAS, the Courts have repeatedly and definitively ruled that municipal regulation of quarries by means of licensing or permit ordinances is a legitimate exercise of delegated legislative power; and

WHEREAS increases and changes in population, development and the impact of certain quarrying operations on residents, businesses, the environment, and private and public property have imposed burdens on the municipal resources and costs associated with the licensing and regulation of quarries; and

WHEREAS, in light of these changes and the proliferation and expansion of governmental regulation of the environment, safety and business in general, that have occurred since the enactment of Chapter 124, the Mayor and Council have determined it necessary and appropriate to amend and update its fee ordinance; and

WHEREAS, the Mayor and Council of the Township of Bridgewater finds and declares that it is at this time necessary and appropriate to amend the Township Code with respect to the type and amount of the fees for which quarries are responsible for pursuant to Chapter 124

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Bridgewater, in the County of Somerset, State of New Jersey as follows:

Section 1. Chapter 124, "Quarries", § 124-7, "Fees" of the Code of the Township of Bridgewater is hereby amended and supplemented as follows:

1. Annual Application and Licensing Fee.

Each Annual license application shall be accompanied by an application and license fee of three thousand dollars (\$3,000) to cover the actual costs and expenses incurred by the Township in connection with the professional and administrative processing, review, investigation and analysis of the application and accompanying plans, maps and other technical materials, reports and information submitted therewith reasonably necessary to the consideration of the license application by each municipal department, official, employee and professional involved in the licensing process. This fee shall not be prorated. All application and licensing fees submitted to the Township shall be nonrefundable.

2. Inspection; License Compliance and Enforcement Escrow.

An escrow in the amount of seven thousand five hundred dollars (\$7,500) is established to cover the actual costs and expenses incurred in connection with the Township oversight and administration of the quarry license and operations. Costs and expenses include detailed charges by the professional(s) engaged by the township. The License holder will

receive a copy of all escrow charges from the professionals with detailed explanations. The License Holder shall have 30 days in which to appeal any such charges to the Township Administrator in writing. The License Holder shall replenish the escrow account back to a balance of at least seven thousand five hundred dollars \$7500 whenever the amount available falls below two thousand five hundred dollars (\$2,500). This replenishment shall be accomplished within 30 days of notification to the license holder by the Township of the escrow deficiency.

Section 2. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect for the 2023 licensing year after final adoption and publication in the manner required by law pursuant to N.J.S.A. 40:69A-181(b).

Section 5. Codification. This Ordinance may be renumbered for codification purposes.

Adopted: November 10, 2022

Effective: December 1, 2022